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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,290	11/13/2001	Leon Minassian	2248.001	5346

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EXAMINER

CHOP, ANDREA MARIE

ART UNIT PAPER NUMBER

3677

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/054,290

Applicant(s)

Minassian

Examiner

Andrea Chop

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 12, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Notice of Art Unit Number Change

1. Please note that the Art Unit number associated with this Application has changed from 3628 to 3677.

Drawings

2. It should be noted that the drawings have not yet been reviewed by a PTO draftsman. The drawings will be reviewed upon allowance of the application and Applicant will be apprised of their status accordingly.
3. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shutter and window must be shown or this feature should be cancelled from the claims (Claim 22). Also, the on-off pushbutton mechanism must be shown or this feature should be cancelled from the claims (Claim 35). Also, the analog watch-like face with radial grooves embodiment must be shown or this feature should be cancelled from the claims (Claims 36-40). ***No new matter should be entered.***

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Specification - Objections

4. The disclosure is objected to because of the following:

Page 16, it appears that reference numerals 320 and 330 have been switched.

Appropriate correction is required.

Claims - Objections

5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered Claims 23 (second occurrence)- 39 have been renumbered as Claims 24-40.

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Claim Rejections - 35 USC § 112

6. Claims 22 and 35-40 are rejected under 35 U.S.C. § 112, first paragraph, as the specification fails to adequately teach how to make and/or use the invention, i.e. fails to provide an enabling disclosure.

The disclosure does not discuss the structure of the shutter and window in detail enough to enable someone to make and/or use the invention. Also, the disclosure does not discuss the structure of the on-off pushbutton mechanism in detail enough to enable someone to make and/or use the invention. Also, the disclosure does not discuss the structure of the analog watch-like face having radial grooves embodiment in detail enough to enable someone to make and/or use the invention.

7. Claims 1-22 and 24-40 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns Claim 1, with respect to the use of the term "means", i.e., "hour of the day indicating means" and "visual reminder means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as *not* invoking 112 6th paragraph; if Applicant's intention is to invoke 112 6th paragraph, Applicant should amend the claim to recite the proper language "means for".

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As concerns Claim 4, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "reminder means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as *not* invoking 112 6th paragraph.

As concerns Claims 5 and 6, "from the group comprising" should be changed to --from the group consisting of--, in accordance with proper Markush practice.

As concerns Claim 8, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "reminder means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as *not* invoking 112 6th paragraph. Also, "said primary link" is indefinite, since plural primary links have been defined and it is not clear which is being referred to.

As concerns Claims 10, 11 and 15, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "reminder means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as *not* invoking 112 6th paragraph.

As concerns Claims 16 and 17, "from the group comprising" should be changed to --from the group consisting of--, in accordance with proper Markush practice.

As concerns Claims 18, 19 and 20, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "reminder means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as *not* invoking 112 6th paragraph.

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As concerns Claim 21, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "reminder means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as **not** invoking 112 6th paragraph. Also, "the flat surfaces" lacks antecedent basis.

As concerns Claim 22, it appears that "said said" window should be changed to --said window-- for grammatical reasons. Also, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "visual indicating means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as **not** invoking 112 6th paragraph.

As concerns Claims 24 and 25, the dependency of these claims appears improper; for treatment on the merits, these claims have been treated as depending from Claim 23.

As concerns Claims 26-29, the dependency of these claims appears improper; for treatment on the merits, these claims have been treated as depending from Claim 24. As concerns Claim 27 only, "said rosettes" lack antecedent basis.

As concerns Claim 31, the dependency of this claim appears improper; for treatment on the merits, this claim has been treated as depending from Claim 24.

As concerns Claim 36, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "marking means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as **not** invoking 112 6th paragraph.

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As concerns Claim 37, the dependency of this claim appears improper; for treatment on the merits, this claim has been treated as depending from Claim 36. Also, as discussed with respect to Claim 1 above, with respect to Applicant's limitation "marking means", since "means for" language is not present in the claim, the Examiner is treating these particular claim limitations as *not* invoking 112 6th paragraph.

As concerns Claim 38, the dependency of this claim appears improper; for treatment on the merits, this claim has been treated as depending from Claim 37.

As concerns Claims 39 and 40, the dependency of this claim appears improper; for treatment on the merits, this claim has been treated as depending from Claim 36. Also, as concerns Claim 40 only, "from the group comprising:" should be changed to --from the group consisting of:--, in accordance with proper Markush practice.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1-3, 5, 18, 22, 30, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Schickedanz US 4,130,987.

Schickedanz shows (Fig. 3) an hour of the day indicating means (elements 10), and a visual reminder means 11. The biasing mechanism is considered to be the circuitry inside of the bracelet.

Allowable Subject Matter

10. Claims 11, 23 and 36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

11. Claims 4, 6-10, 12-17, 19-21, 24-29, 31, 32, 34 and 37-40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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12. In view of delays in mail delivery in recent days, we at the USPTO would like to encourage you to communicate with the USPTO via facsimile. **Facsimile transmissions may be used for correspondence as set forth in 37 CFR 1.6 such as: amendments, petitions for**

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extension of time, authorization to charge a deposit account, an IDS, terminal disclaimers, a notice of appeal, an appeal brief, CPAs under 37 CFR 1.53(d), and RCEs.

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality.

The USPTO has recently installed server software that enables us to automatically receive facsimile transmissions and route them to the appropriate groups. No special equipment is needed by our customers to use this system other than a regular facsimile machine. Each Technology Center has its own facsimile numbers associated with our server for Official replies to non-final Office actions and for Official replies to final Office actions. In addition, each Technology Center has a Customer Service Center on our server system and can answer any general application status questions you might have, can provide Examiner information and answer paper queries. The following is a list of all Official Facsimile numbers for Technology Center 3600:

TC 3600:

Before Final 703-872-9326

After Final 703-872-9327

Customer Service 703-872-9325

By using the Official Before Final and After Final numbers, our server system will automatically generate a return receipt that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the

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received cover page. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advised to retain the return receipt in the event that the Office has no record of the facsimile submission, whether the facsimile submission is a reply to an Office action (37 CFR 1.8(b)), or a continued prosecution application under 37 CFR 1.53(d) (37 CFR 1.6(f)).

Note, however, the Office currently does not permit new application filings (other than a CPA under 37 CFR 1.53(d)), requests for reexamination, drawings, and certain correspondence set forth in 37 CFR 1.6(d) by facsimile.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited shows various structures similar to Applicant's.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Chop whose telephone number is (703) 305-6358.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Andrea Chop
ANDREA CHOP
PATENT EXAMINER
Art Unit 3677

AMC

February 6, 2003